



BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WALTER

Atty. Ref.: 265-97; Confirmation No. 2093

Appl. No. 09/807,617

TC/A.U. 3764

Filed: May 14, 2001

Examiner: J. Donnelly

For: REHABILITATION DEVICE

* * * * *

June 14, 2004

RECEIVED
JUN 21 2004
TECHNOLOGY CENTER R3700

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AFTER FINAL REJECTION
AND REQUEST FOR WITHDRAWAL OF FINALITY**

In response to the Office Action dated February 11, 2004*, please amend the
above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on

08/05/2004 DBROOKS 00000004 141140 09807617
page 2.

01 FC:2253 475.00 DA

Remarks/Arguments begin on page 7.

* Since the cover sheet of the Office Action does NOT set a shortened statutory period for reply,
no fee is believed due; however, any deficiency in fees due may be charged to Deposit Account
No. 14-1140.

Adjustment date: 10/26/2004 SDIRETA1
08/05/2004 DBROOKS 00000004 141140 09807617
01 FC:2253 475.00 CR

853117



PATENT MAINTENANCE
DIVISION

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

2004 SEP 17 AM 10:30 ATTORNEYS AT LAW

September 10, 2004

NIXON & VANDERHYE P.C.

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4031
EMAIL: AMK@NIXONVAN.COM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: **REQUEST FOR REFUND TO DEPOSIT ACCOUNT**
Deposit Account No. 14-1140
Statement Date: August, 2004
Date Posted: August 5, 2004
Control No.: 09807617
Fee Code: 2253; \$475.00
Our Ref.: 265-97

To whom it may concern:

Regarding the Monthly Statement of Deposit Account dated August 2004 (copy attached), we believe there is a fee related error therein, which has resulted in a charge to our Deposit Account that appears to be unwarranted. Please refer to the following explanation and issue a refund as soon as possible.

No shortened statutory period for reply to the Office Action dated February 11, 2004 was specified, therefore, the maximum statutory period of six (6) months applies. Applicant should not have been charged \$475.00 for a three-month extension of time. Please credit our Deposit Account in the amount of \$475.00.

Thank you for your time and assistance, and if you have any questions, please do not hesitate to call me at the above number.

Very truly yours,

NIXON & VANDERHYE P.C.

By: Alan M. Kagen

Alan M. Kagen

AMK:jls
Enclosure



Office Action Summary

Application No.

Examiner

Jerome W Donnelly

Applicant(s)

Art Unit

3784

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO [REDACTED] FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- Failure to reply within the set or extended period for reply will, by itself, cause the application to become ABANDONED (37 U.S.C. § 435).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-17-03
2) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _____ is/are rejected. 1-28, 30-33, 38-42, 44, 45
7) ☒ Claim(s) _____ is/are objected to. 29, 34, 35, 36, 37, 43 and 46
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(f) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-048)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
4) ☐ Interview Summary (PTO-413) Paper No(s) _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Jerome W. Donnelly
Primary Examiner



United States
Patent and
Trademark Office

Deposit Account Statement

Requested Statement Month:

August 2004

Deposit Account Number:

142140

Name:

NOBLE F. VANDERHYTE P.C.

Attention:

LENA M. WATCHARD

Address:

1100 N. GLENN ROAD

City:

ARLINGTON

State:

VA

Zip:

22201-4714

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/02	2	10048619	124-920 ARC	1806	\$180.00	\$16,785.98
08/02	6	60500691	4147-393	1807	\$50.00	\$16,735.98
08/02	8	09938560	124-890	1251	\$110.00	\$16,625.98
08/02	45	REPLENISHMENT		9204	\$3,000.00	\$21,625.98
08/02	57	10783086	4416-20 HWB	9204	\$867.00	\$22,492.98
08/03	13	10393396	2466-112	8021	\$40.00	\$22,452.98
08/03	33	09944501	09792900-513	1252	\$400.00	\$22,852.98
08/03	86	10489073	4062-119 LSN	1617	\$130.00	\$22,722.98
08/04	2	10487873	4147-62 HWB	1814	\$85.00	\$22,636.98
08/04	4	09989298	555-63 MJD	1203	\$290.00	\$22,346.98
08/04	48	09562857	4010-100000	1251	\$110.00	\$22,456.98
08/04	51	09759707	063030-00057	1201	\$84.00	\$22,540.98
08/04	1232	78461734	551-100	7001	\$40.00	\$22,205.98
08/04	1249	78461748	551-100	7001	\$40.00	\$21,870.98
08/05	1	09331808	317-35	2801	\$385.00	\$21,485.98
08/05	2	09331808	317-35	2252	\$210.00	\$21,275.98
08/05	3	09524272	2452-15 RWF	1801	\$770.00	\$20,505.98
08/05	4	09714956	3842-5 HWB	1460	\$130.00	\$20,375.98
08/05	4	09524272	2452-15 RWF	1253	\$90.00	\$19,425.98
08/06	1	10003110	4147-393	1251	\$40.00	\$18,840.98
08/06	2	09866867	3470-35 HWB	1201	\$88.00	\$18,754.98
08/06	3	09964849	608-312 LLM	1202	\$108.00	\$18,646.98
08/06	4	10069049	540-333 SCS	1251	\$110.00	\$18,536.98
08/06	131	76043800	937-194 DJD	6004	\$150.00	\$18,386.98
08/06	132	76043800	937-194 DJD	6004	\$150.00	\$18,236.98
08/10	4	10035199	P284145	1201	\$88.00	\$18,150.98
08/10	5	10035199	P284145	1202	\$234.00	\$17,916.98

4398-208 OFF PAID B

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.